

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2013

Introduced by Assembly Member Muratsuchi

February 20, 2014

An act to amend Section 5205.5 of the Vehicle Code, relating to ~~vehicles, and declaring the urgency thereof, to take effect immediately.~~ *vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2013, as amended, Muratsuchi. Vehicles: high-occupancy vehicle lanes.

Existing federal law, until September 30, 2017, authorizes a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs).

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs. Under existing law, until January 1, 2019, or until federal authorization expires, or until the Secretary of State receives a specified notice, those lanes may be used by certain vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier issued by the Department of Motor Vehicles (DMV). Existing law authorizes the DMV to issue no more than 40,000 of those identifiers.

This bill would increase the number of those identifiers that the DMV is authorized to issue to ~~85,000~~ 70,000.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5205.5 of the Vehicle Code is amended
2 to read:

3 5205.5. (a) For purposes of implementing Section 21655.9,
4 the department shall make available for issuance, for a fee
5 determined by the department to be sufficient to reimburse the
6 department for the actual costs incurred pursuant to this section,
7 distinctive decals, labels, and other identifiers that clearly
8 distinguish the following vehicles from other vehicles:

9 (1) A vehicle that meets California's super ultra-low emission
10 vehicle (SULEV) standard for exhaust emissions and the federal
11 inherently low-emission vehicle (ILEV) evaporative emission
12 standard, as defined in Part 88 (commencing with Section
13 88.101-94) of Title 40 of the Code of Federal Regulations.

14 (2) A vehicle that was produced during the 2004 model-year or
15 earlier and meets California ultra-low emission vehicle (ULEV)
16 standard for exhaust emissions and the federal ILEV standard.

17 (3) A vehicle that meets California's enhanced advanced
18 technology partial zero-emission vehicle (enhanced AT PZEV)
19 standard or transitional zero-emission vehicle (TZEV) standard.

20 (b) The department shall include a summary of the provisions
21 of this section on each motor vehicle registration renewal notice,
22 or on a separate insert, if space is available and the summary can
23 be included without incurring additional printing or postage costs.

24 (c) The Department of Transportation shall remove individual
25 HOV lanes, or portions of those lanes, during periods of peak
26 congestion from the access provisions provided in subdivision (a),
27 following a finding by the Department of Transportation as follows:

28 (1) The lane, or portion thereof, exceeds a level of service C,
29 as discussed in subdivision (b) of Section 65089 of the Government
30 Code.

31 (2) The operation or projected operation of the vehicles
32 described in subdivision (a) in these lanes, or portions thereof, will
33 significantly increase congestion.

1 (3) The finding shall also demonstrate the infeasibility of
2 alleviating the congestion by other means, including, but not
3 limited to, reducing the use of the lane by noneligible vehicles or
4 further increasing vehicle occupancy.

5 (d) The State Air Resources Board shall publish and maintain
6 a listing of all vehicles eligible for participation in the programs
7 described in this section. The board shall provide that listing to
8 the department.

9 (e) (1) For purposes of subdivision (a), the Department of the
10 California Highway Patrol and the department, in consultation
11 with the Department of Transportation, shall design and specify
12 the placement of the decal, label, or other identifier on the vehicle.
13 Each decal, label, or other identifier issued for a vehicle shall
14 display a unique number, which number shall be printed on, or
15 affixed to, the vehicle registration.

16 (2) Decals, labels, or other identifiers designed pursuant to this
17 subdivision for a vehicle described in paragraph (3) of subdivision
18 (a) shall be distinguishable from the decals, labels, or other
19 identifiers that are designed for vehicles described in paragraphs
20 (1) and (2) of subdivision (a).

21 (f) (1) Except as provided in paragraph (2), for purposes of
22 paragraph (3) of subdivision (a), the department shall issue no
23 more than ~~85,000~~ 70,000 distinctive decals, labels, or other
24 identifiers that clearly distinguish a vehicle specified in paragraph
25 (3) of subdivision (a).

26 (2) The department may issue a decal, label, or other identifier
27 for a vehicle that satisfies all of the following conditions:

28 (A) The vehicle is of a type identified in paragraph (3) of
29 subdivision (a).

30 (B) The owner of the vehicle is the owner of a vehicle for which
31 a decal, label, or other identifier described in paragraph (1) was
32 previously issued and that vehicle for which the decal, label, or
33 other identifier was previously issued is determined by the
34 department, on the basis of satisfactory proof submitted by the
35 owner to the department, to be a nonrepairable vehicle or a total
36 loss salvage vehicle.

37 (C) The owner of the vehicle applied for a decal, label, or other
38 identifier pursuant to this paragraph within six months of the date
39 on which the vehicle for which a decal, label, or other identifier

1 was previously issued is declared to be a nonrepairable vehicle or
2 a total loss salvage vehicle.

3 (g) If the Metropolitan Transportation Commission, serving as
4 the Bay Area Toll Authority, grants toll-free and reduced-rate
5 passage on toll bridges under its jurisdiction to a vehicle pursuant
6 to Section 30102.5 of the Streets and Highways Code, it shall also
7 grant the same toll-free and reduced-rate passage to a vehicle
8 displaying an identifier issued by the department pursuant to
9 paragraph (1) or (2) of subdivision (a).

10 (h) (1) Notwithstanding Section 21655.9, and except as
11 provided in paragraph (2), a vehicle described in subdivision (a)
12 that displays a decal, label, or identifier issued pursuant to this
13 section shall be exempt from toll charges imposed on
14 single-occupant vehicles in high-occupancy toll lanes as described
15 in Section 149.7 of the Streets and Highways Code unless
16 prohibited by federal law.

17 (2) (A) Paragraph (1) does not apply to the imposition of a toll
18 imposed for passage on a toll road or toll highway, that is not a
19 high-occupancy toll lane as described in Section 149.7 of the
20 Streets and Highways Code.

21 (B) On or before March 1, 2014, paragraph (1) does not apply
22 to the imposition of a toll imposed for passage in lanes designated
23 for tolls pursuant to the federally supported value pricing and
24 transit development demonstration program operated pursuant to
25 Section 149.9 of the Streets and Highways Code for State Highway
26 Route 10 or 110.

27 (C) Paragraph (1) does not apply to the imposition of a toll
28 charged for crossing a state-owned bridge.

29 (i) If the Director of Transportation determines that federal law
30 does not authorize the state to allow vehicles that are identified by
31 distinctive decals, labels, or other identifiers on vehicles described
32 in subdivision (a) to use highway lanes or highway access ramps
33 for high-occupancy vehicles regardless of vehicle occupancy, the
34 Director of Transportation shall submit a notice of that
35 determination to the Secretary of State.

36 (j) This section shall become inoperative on January 1, 2019,
37 or the date the federal authorization pursuant to Section 166 of
38 Title 23 of the United States Code expires, or the date the Secretary
39 of State receives the notice described in subdivision (i), whichever
40 occurs first, and, as of January 1, 2019, is repealed, unless a later

1 enacted statute, that becomes operative on or before January 1,
2 2019, deletes or extends the dates on which it becomes inoperative
3 and is repealed.

4 ~~SEC. 2. This act is an urgency statute necessary for the~~
5 ~~immediate preservation of the public peace, health, or safety within~~
6 ~~the meaning of Article IV of the Constitution and shall go into~~
7 ~~immediate effect. The facts constituting the necessity are:~~

8 ~~In order to ensure, at the earliest possible time, that new owners~~
9 ~~of certain qualifying clean alternative fuel vehicles will be eligible~~
10 ~~for participation in the program, and to provide long-term~~
11 ~~incentives for consumers of clean alternative fuel vehicles, it is~~
12 ~~necessary that this act take effect immediately.~~